

REMARKS

The present Amendment is in response to the Examiner's Final Office Action mailed June 27, 2008. Claims 8-11 and 13-22 are now pending. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicants' remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 8-11 and 13-22 under 35 U.S.C. § 103 as being unpatentable over U.S. Publication No. 2003/0193974 of *Frankel et al.* (*Frankel*). Applicants traverse the Examiner's rejection for obviousness on the grounds that the cited reference fails to teach or suggest each and every element of the rejected claims.

Frankel teaches an external cavity laser wherein light from lasers 12a-12c is incident on a grating 24, which reflects the light to a partially reflective mirror 15. See Figure 2. In the embodiment of Figure 2, an etalon 26 is positioned between the mirror 15 and the grating 24.

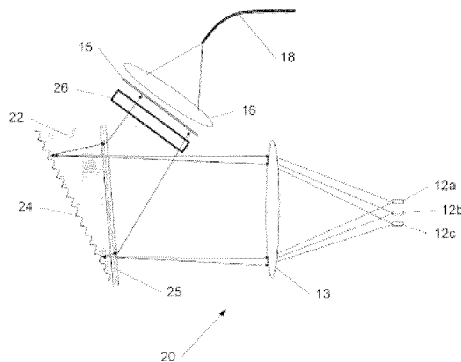


FIG. 2

The function of the etalon 26 is to “narrow the linewidth and stabilize the emission wavelength.” Paragraph 24. “Linewidth” refers to the band of frequencies emitted by a laser. Accordingly, the function of the etalon in narrowing the linewidth refers to its function as a bandpass filter. An etalon is defined as “a device used in spectroscopy to measure wavelengths by interference effects produced by multiple reflections between parallel half-silvered glass or quartz plates.” Collins English Dictionary. In the context of *Frankel*, the interference effects produce a device that transmits only at specific frequencies, e.g., “a fixed wavelength spacing, corresponding for example to the ITU grid...” Paragraph 24.

In contrast claim 8 recites, in combination with other elements, a plurality of tunable lasers, “a grating for receiving the light from each of the spatially offset tunable lasers...,” a first thermo-optic prism positioned between the plurality of tunable lasers and the grating..., and “a second prism positioned between the first thermo-optic prism and the grating, the second prism arranged to correct an aberration introduced by the first thermo-optic prism in order to restore the quality and shape of the light from each of the spatially offset tunable lasers.”

The etalon 26 does not correct for any aberration introduced by any other component of the apparatus of *Frankel*. Its only function is as an optical bandpass filter that narrows the linewidth and stabilizes the emission wavelength of the laser. It does not perform any corrective function with respect to the grating 24 or mirror 15 in the output of the lasers 12a-12c, for example. As noted by the Examiner, Paragraph 23 states that “[t]he diffraction angle of a grating can be altered by changing the index of refraction of the immersion grating 22.” However, the etalon 26 does not function to “correct an aberration” caused by the immersion grating 22 in the output of the lasers 12a-12c and therefore does not satisfy the elements of claim 8 with respect to the second prism if the immersion grating 22 is viewed as the first prism.

With respect to claim 13, for the above noted reasons, *Frankel* does not teach or suggest, in combination with the other elements of the claim, a grating, a first thermo-optic prism, and “a second prism positioned after the grating and arranged to correct an aberration introduced by the first thermo-optic prism in order to restore the quality and shape of the light from each of the spatially offset tunable lasers.”

Claims 9-11 and 14-22 depend on claims 8 and 13, respectively, and are therefore allowable for at least the reasons discussed hereinabove.

Applicants note that the claims have not been amended in this paper and that rejection in view of *Frankel* was improper for the reasons pointed out above. Applicants therefore request that the claims be allowed or that the finality of the previous Office Action be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 21st day of July, 2008.

Respectfully submitted,

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